



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Randel Perry, Project Manager

Public Notice Date: December 30, 2004
Expiration Date: January 30, 2005
Reference: 200401441
Name: Anacortes, Port of

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit in accordance with Section 10 of the Rivers and Harbors Act of March 3, 1899, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT - Port of Anacortes
Mr. Bob Elsner
Post Office Box 297
Anacortes, Washington 98221-0297
Telephone (360) 299-1822

LOCATION - In Guemes Channel at Anacortes, Washington.

WORK - Dredge up to 45,000 cubic yards from 3.5 acres by clamshell. Disposal of the dredged material will be split between the Rosario Strait Disposal Site and the proposed Fidalgo Bay eelgrass habitat project.

PURPOSE - Provide a berth depth for ocean-going vessels.

PUGET SOUND DREDGED DISPOSAL ANALYSIS (PSDDA) -

Dredged Material Testing: The proposed dredged material has been tested according to the procedures specified in PSDDA, a multi-agency program for the evaluation of dredged material proposed for disposal at open-water sites in Puget Sound. The PSDDA evaluations may include both chemical and biological testing of sediments. For this project, the PSDDA agencies determined that all 45,000 cubic yards were suitable for unconfined disposal at the PSDDA nondispersive (or dispersive) open-water disposal site in the Rosario Strait Disposal Site. The sediment testing data are available at the U.S. Army Corps of Engineers (Corps), Seattle District, Dredged Material Management Office.

Disposal Site Use Conditions: The following standard site use conditions will be specified by the Corps and the Washington Department of Natural Resources as part of the Federal/State permitting processes:

1. during the periods of tribal fishing in the disposal site area, disposal will only occur during daylight hours, and
2. during the daylight hours, "navigation rules of the road" will apply to the dredger in the event Indian treaty fishing is occurring at the disposal site. The dredger's permit will state that disposal is to occur when there is no treaty fishing occurring at the disposal site. Other appropriate special conditions may be added as a result of comments received during the public review period for this public notice.

ADDITIONAL INFORMATION – Macroalgae is found primarily attached to upright piles supporting the decking along the north, west, and east faces of the existing wharf and the north and east faces of the gravel dock, under the dock, and on smaller grain sized material and debris in the previously permitted wharf expansion area. Kelp is not attached to permanent, natural substrate but does occur in low densities on the upright pilings, a few old crab pot lines, and shell debris. The bottom of the dredge prism is comprised primarily of cobble with some sand. Some drift algae was observed on the bottom, but there is no attached macroalgae. A few sparsely distributed patches of *Rhodomenia pertusa* are present. Just outside of the project area a few kelp stipes are attached to cobble and debris.

The proposed work was previously authorized by a DA individual permit (reference number 199802302) issued on November 28, 2000. The permit expired on November 28, 2003. While the dredging work was not undertaken, the mitigation proposed under the previous permit, establishment of habitat (rock fingers) suitable for kelp/macroalgae colonization has been constructed.

MITIGATION – The applicant has proposed additional mitigation from that described above to construct approximately 6 acres of subtidal habitat in Fidalgo Bay at an elevation suitable to support eelgrass colonization. The mitigation site would augment and enhance existing eelgrass habitat in Fidalgo Bay.

ENDANGERED SPECIES - The bald eagle (*Haliaeetus leucocephalus*), listed threatened; marbled murrelet (*Brachyramphus marmoratus*), listed threatened; Puget Sound chinook (*Oncorhynchus tshawytscha*), listed threatened; Coastal/Puget Sound bull trout (*Salvelinus confluentus*), listed threatened; Steller sea lion (*Eumetopias jubatus*), listed threatened; humpback whale (*Megaptera novaeangliae*), listed endangered; and leatherback sea turtle (*Dermochelys coriacea*), listed endangered in the state of Washington, occur in the proposed project area. Critical habitat for bull trout, proposed for listing, occurs in the proposed project area. After receipt of comments from this public notice, the Corps will evaluate the potential impacts to the bald eagle, marbled murrelet, Puget Sound chinook, Coastal/Puget Sound bull trout, Steller sea lion, humpback whale, and leatherback sea turtle. A preliminary determination indicates that the activity may affect, but will not adversely affect listed chinook salmon, bull trout, marbled murrelets, and bald eagles and will have no effect on listed steller sea lion, humpback whale, and leatherback sea turtle. Informal consultation under Section 7 of the Act will be required.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). EFH for Pacific salmon, groundfish, coastal pelagic species occurs in the project area. The proposed action would impact approximately 10 acres of EFH for these species.

If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES - The District Engineer (DE) has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent and the proposed site has been extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

Curtis Wharf was placed on the National Register for Historical Places. However, extensive alterations of the structure occurred in 1992. Mitigation for these changes was fulfilled in accordance with a Memorandum of Agreement executed in 1992, which stipulated completion of architectural drawings of the property. Therefore, the National Park Service is in the process of formally removing the Curtis Wharf from the Register.

The DE invites responses to this public notice from Native American Nations or tribal governments, Federal, State, and local agencies, historical and archeological societies, and other parties likely to have knowledge of or concerns with historic properties in the area.

PUBLIC HEARING - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

ADDITIONAL EVALUATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

This proposal is the subject of a Shorelines Substantial Development Permit being processed by the City of Anacortes.

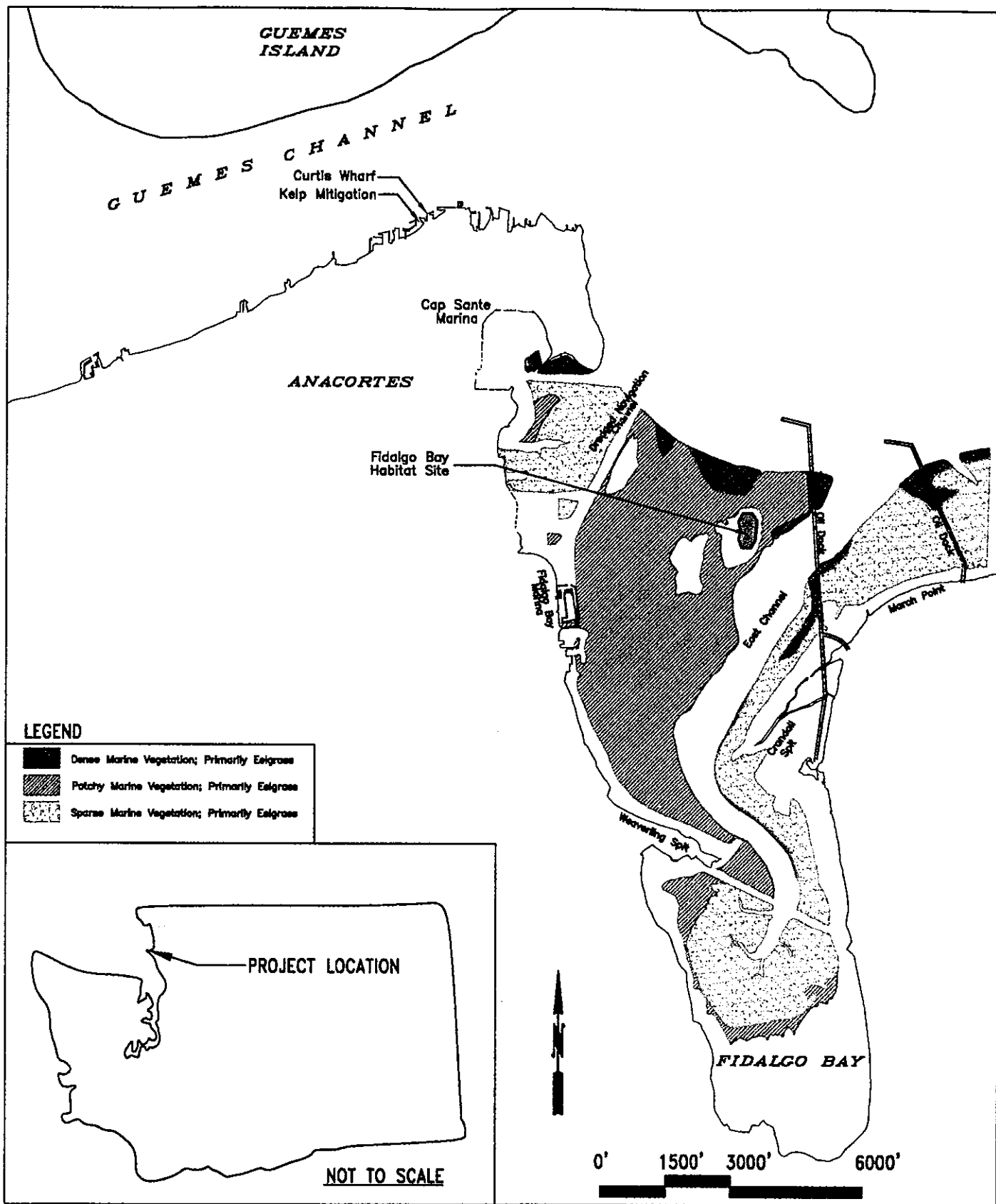
200401441, Anacortes, Port of

COMMENT AND REVIEW PERIOD – Conventional mail or email comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, email comments must originate from the author's email account and must include on the subject line of the email message the permit applicant's name and reference number as shown below. All email comments should be sent to Randel Perry, Project Manager, at Randel.J.Perry@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755. Both conventional mail or email comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or email must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Anacortes, Port of, 200401441

Encl

Drawings (6)



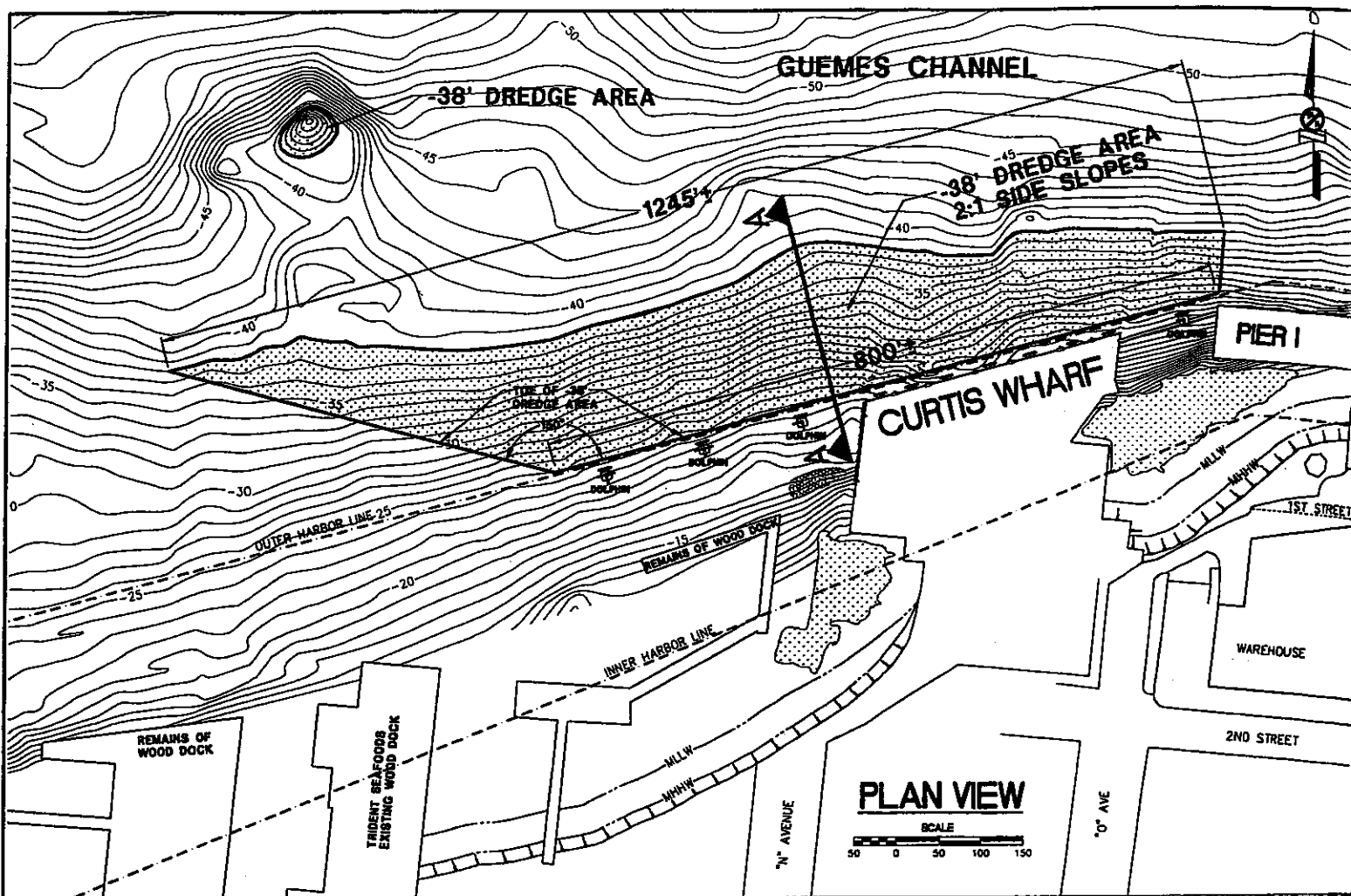
PURPOSE: MAINTAIN MOORAGE
AT EXISTING PIER
HORIZONTAL DATUM: MLLW
VERTICAL DATUM: NAD 27;
WASHINGTON STATE PLANE NORTH
ADJACENT PROPERTY OWNERS:
① PORT OF ANACORTES
② TRIDENT SEAFOOD CORP

PORT OF ANACORTES CURTIS WHARF DREDGING VICINITY MAP

COE Ref. # 200401441

PROPOSED: DREDGE UP TO
45,000 CUBIC YARDS OF SILT
AND SAND FROM PIER FACE
IN: GUEMES CHANNEL
AT: ANACORTES, WA., SKAGIT CO.
SEC13, TWP35N, R01E
APPLICATION BY: PORT OF ANACORTES

SHEET NO. 1 OF 6 DATE: 10/01/04



SURVEY NOTES:

- 1) VERTICAL DATUM MLLW = 0.00'
- 2) BASIS FOR VERTICAL DATUM IS FROM TIDAL BM "NO. 5 (1922) "WASHINGTON-116-2" ELEVATION 16.98'. PUBLICATION DATE 5/26/69.
- 3) BASIS OF BEARING IS BASED ON THE ASSUMED BEARING OF N81°10'31"E BETWEEN CONTROL PT.1 (SET TACK) & CONTROL PT.4 (FND. PK NAIL).
- 4) DEPTH OBTAINED WITH INTERSPACE 448 DEPTH SOUNDER, WITH HORIZONTAL LOCATION BY DIFFERENTIAL GPS.
- 5) UPLANDS SURVEY INFORMATION SHOWN OBTAINED WITH WILD T2000, WITH WILD GRE DATA COLLECTOR.
- 6) DATE OF SURVEY MARCH 31 THRU APRIL 2, & APRIL 14-16, 1998.
- 7) NGS CONTROL STATION "CAP SANTE 1991" WAS USED AS GPS BASE STATION FOR THIS SURVEY.
- 8) DEPTHS ARE IN FEET, 1 FOOT CONTOUR INTERVALS.

CONTROL INFORMATION

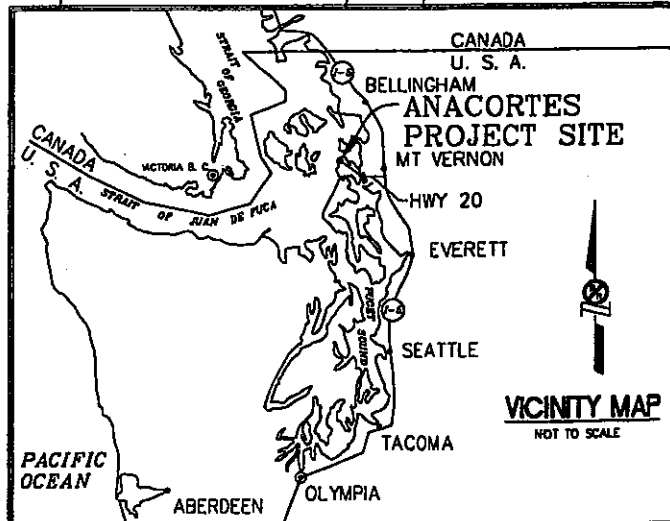
- 1 N 10000.0000
E 10000.0000
ELEV. = 16.65'
- 4 N 10075.2907
E 10484.9691
ELEV. = 16.31'

LEGEND

- DREDGE AREA
- EEL GRASS BED
- KELP MITIGATION

TIDAL INFORMATION

ANACORTES WASHINGTON
LAT. 48°30'N LONG. 122°36'W
EXTREME HIGH WATER (EHW) = 11.0'
MEAN HIGHER HIGH WATER (MHHW) = 8.2'
MEAN HIGH WATER (MHW) = 7.4'
MEAN TIDE LEVEL (MTL) = 5.0'
MEAN SEA LEVEL (MSL) = 4.4'
MEAN LOW WATER (MLW) = 2.6'
MEAN LOWER LOW WATER (MLLW) = 0.0'
EXTREME LOW WATER (ELW) = -4.5'



PURPOSE: MAINTAIN MOORAGE
AT EXISTING PIER

DATUM: 0.0' M.L.L.W.

ADJACENT PROPERTY OWNERS:

- 1.) PORT OF ANACORTES
- 2.) TRIDENT SEAFOOD CORP

PORT OF ANACORTES CURTIS WHARF DREDGING

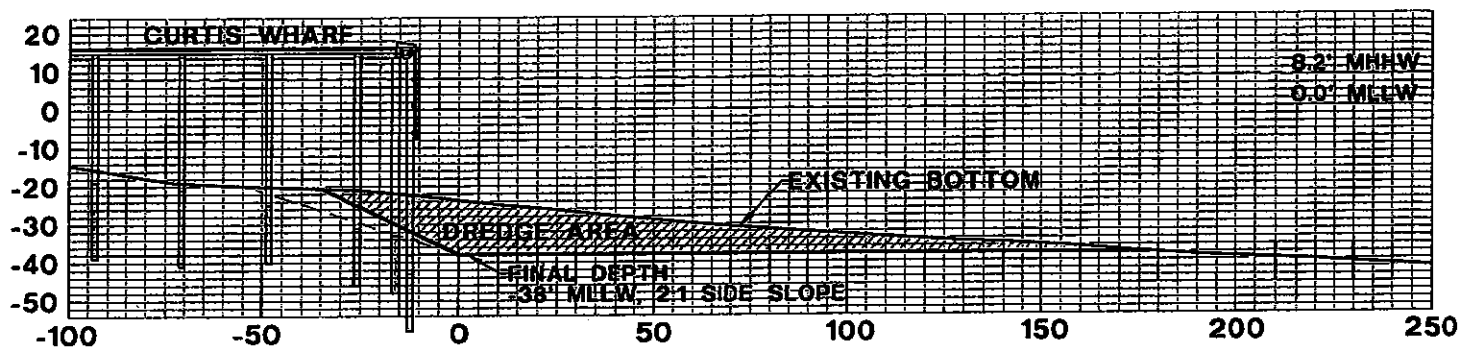
SCALE AS NOTED

COE Ref # 200401441

PORT OF ANACORTES
P.O. BOX 297
ANACORTES, WA. 98221

PROPOSED: DREDGE UP TO
45,000 CUBIC YARDS OF SILT
AND SAND FROM PIER FACE
IN: GUEMES CHANNEL
AT: ANACORTES, WA., SKAGIT CO.
SEC 13, TWP 35N, R01E
APPLICATION BY:
PORT OF ANACORTES

SHEET 2 of 6 DATE: 10/01/04



PURPOSE: MAINTAIN MOORAGE
AT EXISTING PIER

DATUM: 0.0' M.L.L.W.

ADJACENT PROPERTY OWNERS:

- 1.) PORT OF ANACORTES
- 2.) TRIDENT SEAFOOD CORP

TYPICAL SECTION

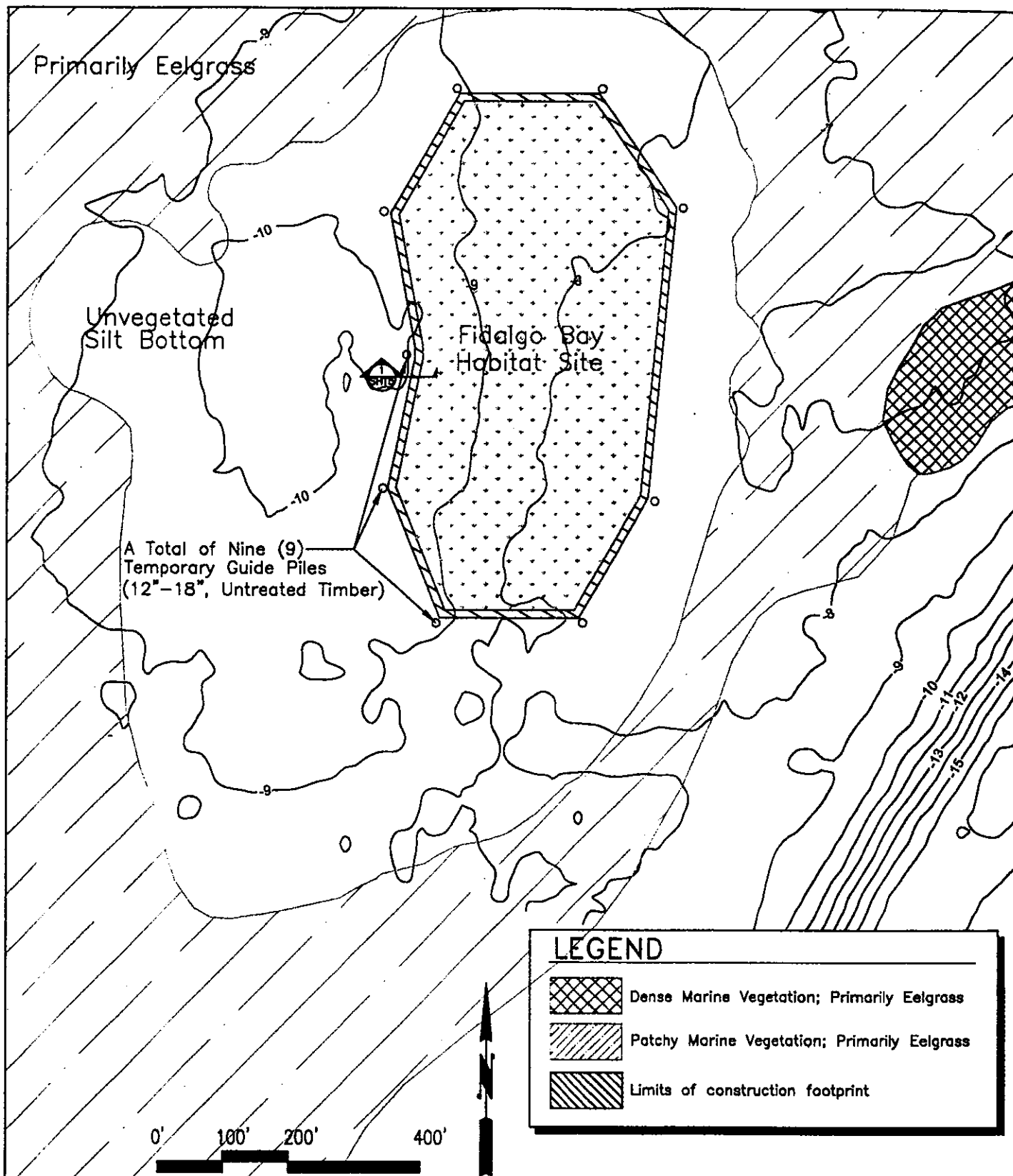
SCALE AS NOTED

COE Ref# 200401441

PORT OF ANACORTES
P.O. BOX 297
ANACORTES, WA. 98221

PROPOSED: DREDGE UP TO
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AND SAND FROM PIER FACE
IN: GUEMES CHANNEL
AT: ANACORTES, WA., SKAGIT CO.
SEC 13, TWP 35N, R01E
APPLICATION BY:
PORT OF ANACORTES

SHEET 3 of 6 DATE: 10/01/04



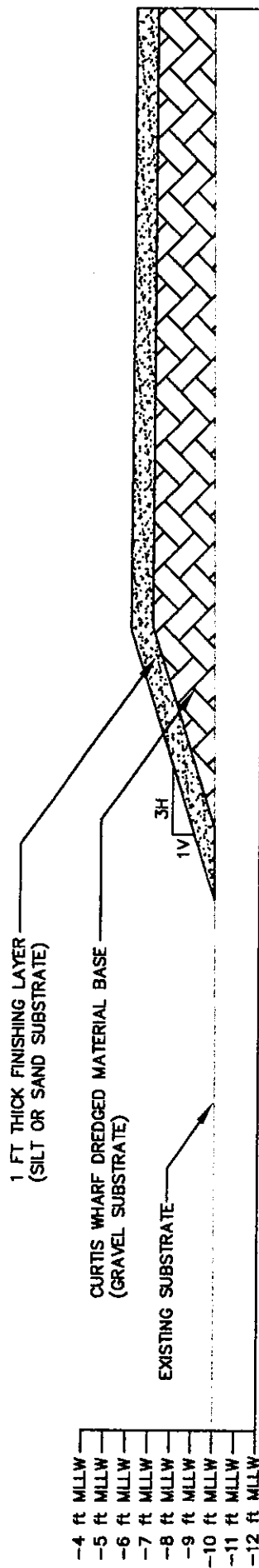
PURPOSE: MAINTAIN MOORAGE
AT EXISTING PIER
HORIZONTAL DATUM: MLLW
VERTICAL DATUM: NAD 17;
WASHINGTON STATE PLANE NORTH
ADJACENT PROPERTY OWNERS:
① PORT OF ANACORTES
② TRIDENT SEAFOOD CORP.

**PORT OF ANACORTES
CURTIS WHARF DREDGING
FIDALGO BAY HABITAT
SITE - PLAN VIEW**

COE Ref # 2004 01441

PROPOSED: DREDGE UP TO
45,000 CUBIC YARDS OF SILT
AND SAND FROM PIER FACE
IN: GUERRES CHANNEL
AT: ANACORTES, WA., SKAGIT CO.
SEC13, TWP35N, R01E
APPLICATION BY: PORT OF ANACORTES

SHEET NO. 4 OF 6 DATE: 10/01/04



1
SHT 4

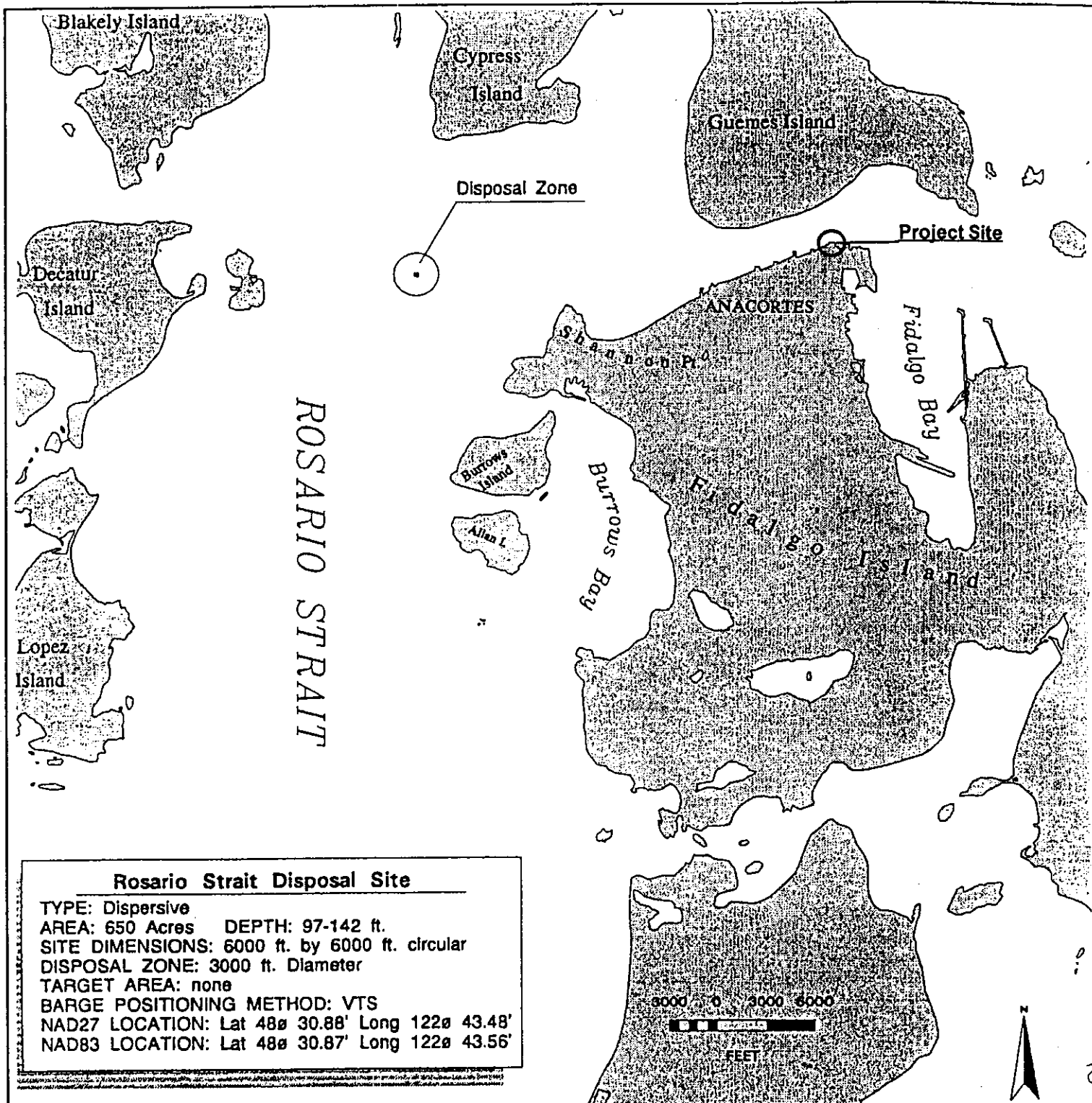


(OE Ref # 200401411

PURPOSE: MAINTAIN MOORAGE
AT EXISTING PIER
HORIZONTAL DATUM: MLLW
VERTICAL DATUM: MLLW
WASHINGTON STATE PLANE NORTH
ADJACENT PROPERTY OWNERS:
PORT OF ANACORTES
TRIDENT SEAFOOD CORP.

**PORT OF ANACORTES
CURTIS WHARF DREDGING
FIDALGO BAY HABITAT
SITE - CROSS-SECTION**

PROPOSED: DREDGE UP TO
45,000 CUBIC YARDS OF SILT
AND SAND FROM PIER FACE
IN: GUENES CHANNEL
AT: ANACORTES, WA, SKAGIT CO.
SEC 13, TWP 35N, R01E
APPLICATION BY: PORT OF ANACORTES
SHEET NO. 5 OF 6 DATE: 10/01/04



PURPOSE: MAINTAIN MOORAGE
AT EXISTING PIER

DATUM: 0.0' M.L.L.W.

ADJACENT PROPERTY OWNERS:

- 1.) PORT OF ANACORTES
- 2.) TRIDENT SEAFOOD CORP

DISPOSAL SITE MAP

SCALE AS NOTED

PORT OF ANACORTES
P.O. BOX 297
ANACORTES, WA. 98221

PROPOSED: DREDGE UP TO
45,000 CUBIC YARDS OF SILT
AND SAND FROM PIER FACE
IN: GUEMES CHANNEL
AT: ANACORTES, WA., SKAGIT CO.
SEC 13, TWP 35N, R01E
APPLICATION BY:
PORT OF ANACORTES

SHEET 6 of 6 DATE: 10/01/04



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: December 30, 2004

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200401441 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600